

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2007

REVISED EXPLANATORY STATEMENT

Circulated by Jacqui Burke MLA

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2007

Outline

The Children and Young People Amendment Bill 2007 (the Bill) will amend the *Children and Young People Act 1999*.

The changes will ensure that tattooing and body piercing of children and young people is undertaken with their parent or guardians permission and will impose a maximum penalty of 50 penalty units.

This is not a frivolous change, it is proposed to minimise the impact of a piercing on a young person's appearance and whether this might have adverse health, social or employment implications for them down the track.

It addresses the inappropriateness and potential criminality of the more invasive forms of procedures (eg genital piercing) performed on children and young people.

While it recognises the potential conflict between parental authority and a young person's autonomy, particularly between the ages of 16 to 18, there are concerns regarding an under 18 year olds ability to make informed decisions.

Clause Notes

Clause 1 – Name of Act – provides that upon enactment the Bill will be titled the *Children and Young People Amendment Act 2007*

Clause 2 – Commencement – provides that the provisions of the Bill will commence on the day after its notification day.

Clause 3 - Act amended - This Act amends the *Children and Young People Act 1999*.

Clause 4 - Offences against Act – application of Criminal Code etc Section 3A, note 1, new dot point – inserts into the Act a new subsection s388 specifying tattooing and body piercing of children and young people.

Clause 5 – Section 388 – substitutes the original wording with new wording specifying tattooing and body piercing of children and young people, namely:

- (1) A person commits an offence if-
 - (a) the person tattoos or pierces a part of a child's or young person's body;
and
 - (b) the tattooing or piercing is not in accordance with the written permission of a person with parental responsibility of the child or young person.

Maximum penalty: 50 penalty units

- (2) An offence against this section is a strict liability offence
- (3) In this section:

Pierce, part of a body, means pierce the part to insert a ring, bar or other thing through the part, and includes piercing the ear.